



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 6/23/2005
Comment Deadline: 7/25/2005
Corps Action ID #: 200511160

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: *Eddie Simmons
102 California Lane
Manteo, North Carolina 27954*

AGENT (if applicable): *Atlantic Environmental Consultants, LLC
Attn: Doug Dorman
Post Office Box 3266
Kitty Hawk, North Carolina 27949*

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The property is located north of Burnside Road (NCSR 1123) in the community of California, on the west side of Roanoke Island, in Manteo, Dare County, North Carolina.

Existing Site Conditions

The property contains 1.11 acres and has been divided into three residential lots. All three lots are undeveloped at this time. Residential development surrounds this property. A Nationwide Permit 26 (Action ID # 199404982) was issued to fill one acre of Section 404 wetlands but the project was not completed prior to the expiration of Nationwide Permit 26.

Applicant's Stated Purpose

The applicant proposes to fill Section 404 wetlands in order to meet building and septic setbacks required by Dare County for residential development.

Project Description

The project involves filling 3,692 square feet (0.08 acre) of Section 404 wetlands for a driveway crossing and to meet building and septic setbacks.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by July 24, 2005.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDQM), and the NCDQM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated

fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

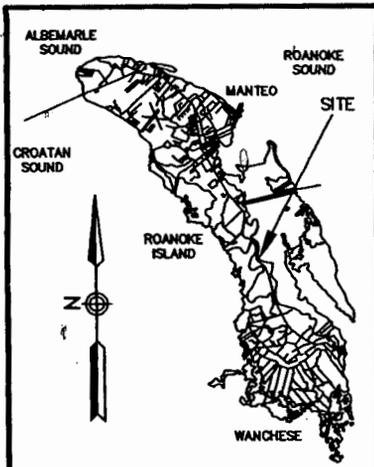
Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the

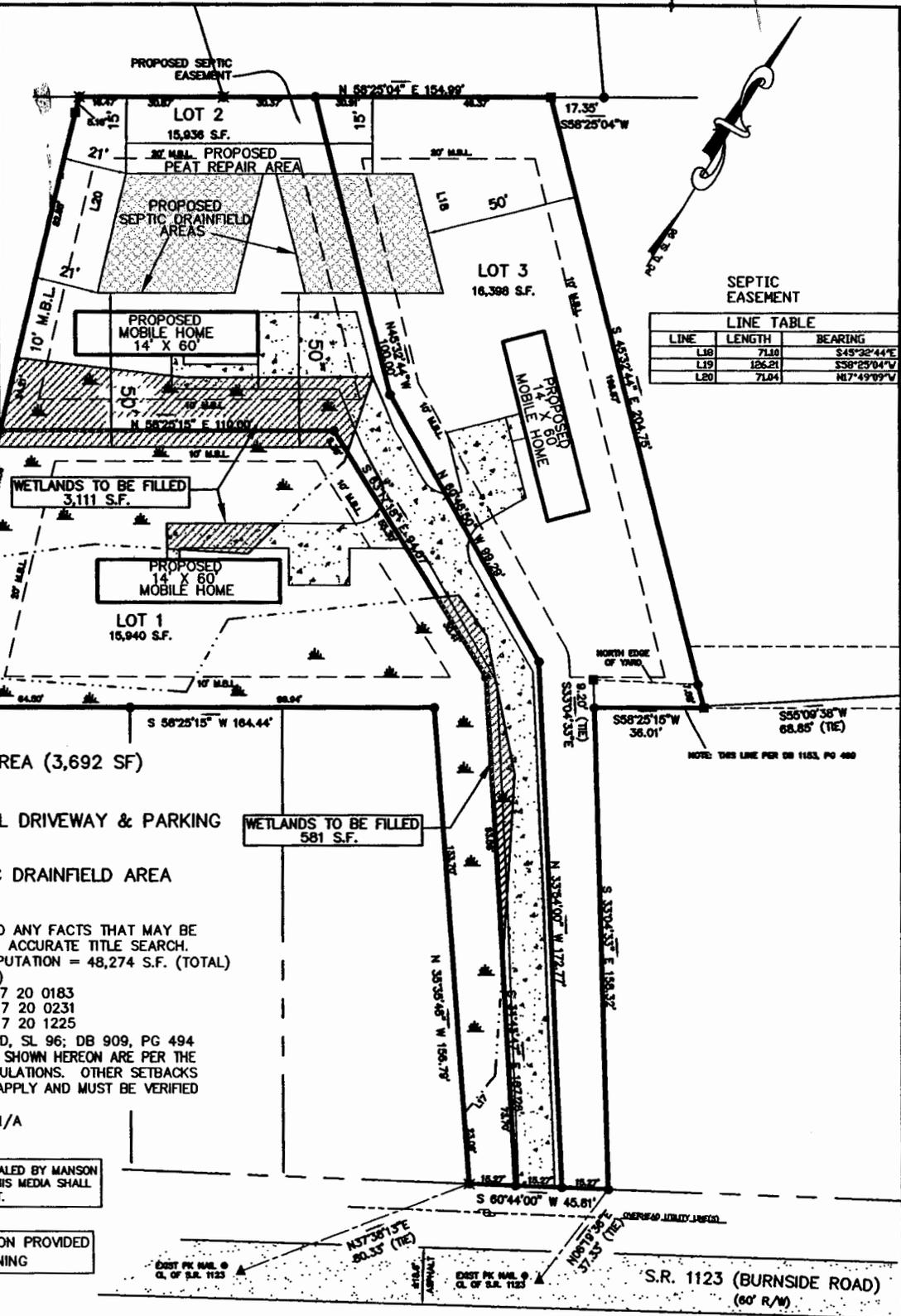
impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, July 22, 2005. Comments should be submitted to Mr. William Wescott, Post Office Box 1000, Washington, North Carolina 27889.



VICINITY MAP (NTS)



SEPTIC EASEMENT

LINE	LENGTH	BEARING
L18	71.10	S45°32'44"E
L19	126.21	S38°25'04"W
L20	71.04	N17°49'09"W

LEGEND

- PROPOSED FILL AREA (3,692 SF)
- PROPOSED GRAVEL DRIVEWAY & PARKING
- PERMITTED SEPTIC DRAINFIELD AREA

NOTES:

1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
2. AREA BY COORDINATE COMPUTATION = 48,274 S.F. (TOTAL)
3. F.I.R.M. ZONE: "A6" (EL. 8')
4. PIN NO.: LOT 1 - 11 988017 20 0183
 LOT 2 - 11 988017 20 0231
 LOT 3 - 11 988017 20 1225
5. RECORDED REFERENCE: PC D, SL 96; DB 909, PG 494
6. MINIMUM BUILDING LINES (MBL) SHOWN HEREON ARE PER THE CURRENT LOCAL ZONING REGULATIONS. OTHER SETBACKS AND/OR RESTRICTIONS MAY APPLY AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
7. ELEVATIONS (NGVD 1929): N/A

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY MANSON RAY MEEKINS, L-2592, ON 05/06/04. THIS MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

SITE PLAN AND SURVEY INFORMATION PROVIDED BY SEABOARD SURVEYING & PLANNING

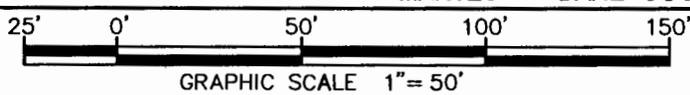
**INDIVIDUAL PERMIT
EDDIE SIMMONS**

LOTS 1, 2, 3,
MANTEO - DARE COUNTY - NORTH CAROLINA

RECEIVED

JUN 16 2005

REGISTRATION



ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC
 P.O. BOX 3266, KITTY HAWK, N.C. 27949
 (252)261-7707, e-mail roxdorman@aol.com